

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ERIKA MIER Y TERAN)

Plaintiff,)

vs.)

NEVADA TRANSPORTATION)
AUTHORITY,)

Defendant.)

3:13-CV-00686-RCJ-WGC

ORDER

In this case, pro se Plaintiff Erika Mier Y Teran, a Nevada resident, (*see* ECF No. 1, at 1), appears to challenge an order from the Nevada Transportation Authority suspending her driving privileges and imposing related fines, (*see* Compl., ECF No. 1-1, at 3–4 ; Misc. Mot., ECF No. 3, at 1). However, nothing in the record suggests that Plaintiff’s claims arise under federal law. Therefore, concluding that there is no diversity of citizenship, the Court finds that it lacks subject matter jurisdiction to hear this case.¹ Accordingly, Plaintiff’s untitled motion, (ECF No. 3), is denied, and the complaint is dismissed.

¹ Federal courts are “courts of limited jurisdiction” and possess only that power authorized by the Constitution or statute. *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 377 (1994) (citations omitted). It is “presumed that a cause lies outside this limited jurisdiction,” and the burden of establishing the contrary is on the party asserting jurisdiction. *Id.* The court is obligated to determine whether it has subject matter jurisdiction. *See Valdez v. Allstate Ins. Co.*, 372 F.3d 1115, 1116 (9th Cir. 2004); *see also* Fed. R. Civ. P. 12(h)(3) (“If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”). Pursuant to 28 U.S.C. § 1331, a this court has “original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” A case “arises under” federal law if a plaintiff’s “well-pleaded complaint establishes either that federal law creates the cause of action” or that the plaintiff’s “right to relief under state law requires resolution of a substantial question

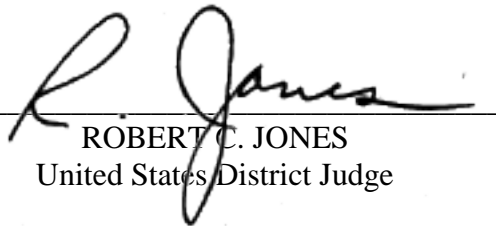
CONCLUSION

IT IS HEREBY ORDERED that Plaintiff's untitled motion (ECF No. 3) is DENIED.

IT IS FURTHER ORDERED that the complaint is DISMISSED for lack of subject matter jurisdiction. The Clerk of the Court shall enter judgment accordingly.

IT IS SO ORDERED.

Dated: June 16, 2014


ROBERT C. JONES
United States District Judge

of federal law in dispute between the parties.” *Franchise Tax Bd. v. Constr. Laborers Vacation Trust for S. Cal.*, 463 U.S. 1, 13 (1983). Original jurisdiction may also be established pursuant to 28 U.S.C. § 1332, under which a federal district court has “original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs,” and the dispute is between “citizens of different states.”